

TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401 SPR



Project Name: HIGHWAY 99 POPEYES RESTAURANT

Case Number: PSR2009-00022, SEP2009-00042, BLA2009-00012 & EVR2009-00020

Location: 2724 NE Highway 99

Request: The applicant is requesting a site plan review approval to construct a second 1,867 square foot Popeyes Fast Food Restaurant with a drive through facility. The applicant also want to boundary line adjust (BLA) the three (3) tax lots at this site to accommodate the restaurant development. The approximately 1.08-acre site is zoned General Commercial (GC)

Applicant: Ejaz Chaudhry
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Contact Person: John M. Meier, P. E.
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Vancouver, WA 98682
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Property Owner: Ejaz Chaudhry;
Imitiaz Chaudhry; &
Imran Chaudhry
15002 NW 15th Avenue
Vancouver, WA 98685

DECISION

Approved with Conditions

Team Leader's Initials: ATS **Date Issued:** August 18, 2009

County Review Staff:

	<u>Name</u>	<u>Phone: (360)</u> <u>397 2375, Ext.</u>	<u>E-mail Address</u>
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Engineer (Trans. Concurrency):	David Jardin	4354	David.jardin@clark.wa.gov
Fire Marshal Office	Tom Scott	3323	Tom.scott@clark.wa.gov

Comp Plan Designation: General Commercial (GC)

Parcel Number(s): Tax Lots 1/22 (97970), 2/22 (97971), and 3/22 (97972), located in the NW ¼ of the SW ¼ of Section 2, Township 2 North, Range 1 East of the Willamette Meridian.

Applicable Laws:

Clark County Code (CCC) Chapter: 40.350 (Transportation), Section 40.350.020 (Transportation Concurrency), 40.380 (Stormwater Drainage and Erosion Control), 15.12 (Fire Code), 40.230 (Commercial Districts, CG), 40.520.040 (Site Plan Review), 40.320 (Landscaping and Screening), 40.340.010 (Parking and Loading Standards), 40.610 (Impact Fees), 40.500 (Procedures), and 40.570 (SEPA)

Neighborhood Association/Contact:

NE Hazel Dell NA
Bud Van Cleve, President
1407 NE 68th Street
Vancouver, WA 98665
(360) 695-1466; E-mail: Bsvanc@aol.com

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater, and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on December 23, 2008. The pre-application was determined to be contingently vested as of December 1, 2008, (i.e., the date the fully complete pre-application was submitted).

The fully complete application was submitted on May 11, 2009, and determined to be fully complete on June 1, 2009. Given these facts the application is vested on December 1, 2008. There are no disputes regarding vesting.

Time Limits:

The application was determined to be fully complete on June 1, 2009. Therefore, the County Code requirement for issuing a decision within 78 days lapses on August 18, 2009. The State requirement for issuing a decision within 120 calendar days, lapses on September 29, 2009.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, Northeast Hazel Dell Neighborhood Association and property owners within 300 feet of the site on June 15, 2009.

Public Comments:

The county received an e-mail on June 19, 2009, from Mr. Frank Vanderventer who owns the property abutting the development site to the south. Mr. Vanderventer would like the applicant to mitigate storm runoff from the development site, which drains onto his property abutting (or sharing a common boundary with the southern boundary of the site.

The Development Engineering staff has addressed this concern in the storm water review section on pages 13 - 14 of this report.

Project Overview

The applicant is requesting a Site Plan Review approval to construct a 1,867 square foot Popeyes fast foot restaurant with a drive-thru service window. The site already has a 2,164 square foot Del Taco fast food restaurant with a single drive-up service window. The Del Taco restaurant was granted final site plan review on October 22, 2002. The approximately 1.08 acre site comprises three (3) tax lots of record, and is zoned General Commercial (GC).

The applicant is also proposing a boundary line adjustment (BLA) as described in Exhibit 1, Sheet 4 of 7 such that:

1. Lot 1 will be approximately 8,282 square feet in area and will be vacant but the parking facility for the two restaurants will be sited on lot 1;
2. Lot 2 will be approximately 20,958 square feet in area and it will also serve as the site for the Del Taco restaurant; and,
3. Lot 3 will be approximately 14,445 square feet and the site of the proposed Popeyes restaurant.

Table 1 describes the comprehensive plan designation, zoning, and current land use on the site, and on the abutting properties:

Table 1: Comp Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	GC	GC	Del Taco restaurant occupies the northeastern third of the property, a sign, off street parking spaces, and landscaping vegetation. The property slopes westerly.
North	GC	GC	NE 88 th Street, and Wal-Mart shopping center and parking lot.
East	GC	GC	Developed for various commercial activities.
South	GC	GC	Proposed children's Village Day School site. It has some trees, brush, and grass.
West	GC	GC	Existing single-family housing, some scattered trees and grass.

The USDA Soil Conservation Service, Soil Survey of Clark County, Washington, 1972, classifies the soils on the site as those of Odne silt loam (OdB) on slopes ranging from zero to 5 percent; and Hillsboro silt loam (HoB) on slopes ranging from 3 to 8 percent. Odne silt loam is a hydric soil according to the Clark County Hydric Soils List. There are no jurisdictional wetlands, shorelines, a 100-year flood plain or buffer, and potentially unstable slopes mapped on the site by the county's GIS Mapping System.

The property is located within the City of Vancouver urban growth area. It is situated in an area served by Park District 8, Fire Protection District 6, and the Vancouver School District. Clark Public Utilities (CPU) provides public water and Hazel Dell Sewer District provides public sewer service in the area.

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|----------------------------------------|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Boundary Line Adjustment:

Finding 1

The applicant is proposing to boundary line adjust all three tax lots as shown in the attached site plan. A boundary line adjustment cannot create any new lots; therefore a determination of the number of legal lots of record must be made. A legal lot of record is a parcel which was in compliance with both the platting, if applicable, and zoning laws in existence when the lot was originally created or segregated or which is otherwise determined to be consistent with the criteria of CCC 40.520.010(E). Owners of such lots shall be eligible to apply for building permit or other County development review, pursuant to County code.

The site comprises three tax lots of record, Tax Lots 1/22 (97970), 2/22 (97971), and 3/22 (97972), totaling approximately 1.08 acres. A breakdown of the area for each parcel before the boundary line adjustment is completed is as follows:

1. Tax Lots 1/22 (97970) is currently approximately 2,509 square feet in area. When the boundary adjustment (BLA) is completed, the area of the lot will be increased to approximately 8,282 square feet;

2. Tax Lot 2/22 (97971) is currently approximately 22,638 square feet in area. When the BLA is completed, the area of the lot will be decreased to approximately 20,958 square feet; and,
3. Tax Lot 3/22 (97972) is currently approximately 18,538 square feet in area. When the BLA is completed, the area of the lot will be decreased to approximately 14,445 square feet.

Staff finds that all three lots will meet the minimum area in GC zone when the adjustments are completed. The request is consistent with County zoning regulations. Furthermore, the resulting lot configuration does not create any new lots. All resulting lots would, therefore, be considered separate legal lots of record.

This review does not accomplish the BLA. The applicant must file necessary BLA documentation with the Clark County Assessor's Office to record the BLA with the Auditor's Office prior to final site plan approval. (See Condition A-1a)

Finding 2

This property is zoned General Commercial (GC). The code allows general retail businesses in this zoning district, including restaurants as outright permitted uses [per Table 40.230.010 (4) (a, b). Staff finds that the proposed use is consistent with the applicable code sections; therefore, no condition of approval is necessary.

Finding 3

Clark County Code 18.313.040 provides the following lot requirements in the GC district. The proposed development must comply with the lot requirements of this code section.

Table 40.230.010-3: Setbacks, Lot Coverage and Building Height: GC Zone	
Minimum setbacks	Pursuant to buffering and screening standards contained in Chapter 40.320, Table 40.320.010-1
Minimum setbacks adjacent to residential district	Pursuant to the screening and buffering standards contained in Chapter 40.320, Table 40.320.010-1, plus an additional 1/2 foot for each foot the building exceeds 20 feet in height to a maximum setback requirement of 40 feet. Buildings in excess of 20 feet may be stepped.
Maximum lot coverage	Maximum determined by compliance with screening and buffering standards contained in Chapter 40.320, Table 40.320.010-1, the Stormwater and Erosion Control Ordinance (Chapter 40.380, and all other applicable standards.
Maximum building height	None

(See Condition A-1b)

Finding 4

The proposed site plan shows a pedestrian walkway linking the development to the sidewalk at the corner of NE 88th Street and Highway 99. Staff finds that the proposed sidewalk is adequate; therefore, no additional condition of approval is necessary.

Finding 5

A drive-through, drive-in or drive-up facility is allowed in districts intended for auto-oriented uses. It is permitted with additional review in districts that serve neighborhoods and are pedestrian oriented. A drive-through facility is an outright permitted use in the CG district (per Table 40.230.010-1 (b)); therefore, no condition of approval is necessary.

Site Plan Review Standards

Finding 6

CCC 40.320.010 (Landscaping and Screening) requires perimeter landscaping and screening between adjoining properties and uses. The degree and height of the required screening is based on the zoning of the project site and the neighboring property.

Landscaping is required along the front of all buildings. The minimum requirements are landscaping trees, of a suitable species [per 40.320.010 (E) (4)], planted every thirty (30) feet on center in a landscaped strip or tree wells along the length of the building. (See Condition F-1a)

Finding 7

Ordinarily, this site would be required to comply with the following landscaping standards.

- a. On the north, the required landscaping schemes are L2 within a 10-foot buffer.
- b. On the east, the required landscaping scheme is L2 within a 10-foot buffer.
- c. On the south, the required landscaping scheme is L1 within a 5-foot buffer.
- d. On the west, the required landscaping scheme is L1 within a 5-foot buffer.

The site has been developed; therefore, staff is requiring that any landscape vegetation removed shall be replaced and maintained to ensure survival. (See Condition F-1b)

Finding 8

- a. The 2,146 square foot Del Taco restaurant required 11 off-street parking spaces, but the applicant provided 30, which was 19 off-street parking spaces (or 63+ percent) more than the number required per code.
- b. The 1,867 square foot Popeyes restaurant requires 10 off-street parking spaces (rounded up). Staff finds that the on the adjusted Lot 3, on which Popeyes restaurant will be sited, the applicant is providing 10 off-street parking spaces that meet the minimum parking requirement per the applicable standard in the code. Staff finds and concludes that this condition is met; therefore, no new condition is necessary.

- c. The development site now has 34 off-street parking spaces; and, because each restaurant occupies its own legal lot of record, the applicant will need to establish a reciprocal parking agreement to be approved by the prosecuting attorney's office for the benefit of the customers. (See Condition A-1c)
- d. The applicant has designated one (1) off-street parking stall in front of the proposed Popeyes restaurant building as handicapped parking.

For both the proposed Popeyes and the existing DeITaco restaurants, the applicant is providing 3 off street parking spaces altogether. One of parking space at each restaurant must be van accessible; and if only one handicapped parking is provided at a restaurant, then that handicapped parking must be van accessible. (CCC 40.340.010 (B) (6) and Table 1106-1 (Accessible Parking Spaces, International Building Code (IBC), 2006). (See Condition A-1d).

Finding 9

The site plan being reviewed show an enclosed solid waste disposal area per the applicable code sections. Staff finds that this code section has been met.

Conclusion (Land Use):

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the land use requirements of the Clark County Code.

ARCHAEOLOGY:

(See Standard condition of approval.)

TRANSPORTATION:

Road

Finding 1

NE Highway 99 is classified as an "Urban Principal Arterial", Pr-4cb. The minimum required half-width frontage improvements include 50 feet of right-of-way, 35 feet of paved width, curb, gutter, and a detached 6-foot sidewalk. The required improvements exist except for the sidewalk being an attached one.

NE 88th Circle is classified as an "Urban Collector", C-2cb. The required half-width frontage improvements include 35 feet of right-of-way, 23 feet of paved width, curb, gutter, and detached 6-foot sidewalk. The existing half-width roadway appears to be about 17 feet and the existing half-width right-of-way is about 24 feet. The sidewalk is a 5-foot attached one.

A road modification is required for both frontages which are deficient and the applicant has addressed the deficiencies in a road modification.

In an e-mail provided by the applicant on June 30th, 2009, the applicant indicated a curb will separate vehicles entering the site from NE Highway 99 and vehicles using the drive

thru used for Del Taco. The applicant shall provide diagrams of on-site turning movements. **(See Condition A-2a)**

Road Modification (EVR2009-00020)

The applicant submitted a road modification for the allowance of access to NE Highway 99, an "Urban Principal Arterial", Pr-4cb. Code does not allow access to an arterial when access can be provided to a collector. The applicant analyzed the traffic movements and considered the fact that the access to NE Highway 99 will be limited to right-in and right-out movements. The applicant believes the request can be justified per criterion CCC 40.550.010(A)(1)(c).

The applicant submitted addendums to the road modification application dated July 29, 2009 and August 4, 2009. The first addendum asks for relief from the requirement for a detached sidewalk along the frontage of NE Highway 99 per criterion CCC 40.550.010(A)(1)(d). The second addendum asks for relief from frontage requirements on NE 88th Circle per CCC 40.550.010(A)(1)(d) as well. The addendum indicates the cost to build the improvements on NE 88th Circle would be \$78,395.75.

Transportation staff requires a median in NE Highway 99 resulting in a right-in and right-out driveway access. The applicant has proposed a median in the middle of Highway 99 from the intersection with NE 88th Circle past the location of the driveway approach. This results in a right-in and right-out driveway approach. The driveway is an existing one and, with the new median, staff believes the proposal meets criterion CCC 40.550.010(A)(1)(c).

Staff supports the applicants proposal to not be required to reconstruct the frontages of NE Highway 99 and NE 88th Circle per CCC 40.550.010(A)(1)(d). However, the applicant shall be responsible for dedicating 35 feet of half-width right-of-way along the frontage of NE 88th Circle. **(See Condition A-2b)**

Sight Distance

Finding 2

The applicant submitted a sight distance analysis dated March 6, 2009 that indicates sight distance standards are met with the proposal.

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections. **(See Condition A-2c)**

Conclusion (Transportation):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

TRANSPORTATION CONCURRENCY:

Trip Generation

Finding 1:

County concurrency staff has reviewed the proposed Highway 99 Popeye's Restaurant development consisting of one building totaling 1,900 square feet. The applicant's traffic study has estimated the a.m. peak-hour trip generation at 52 new trips and the p.m. peak-hour trip generation at 33 new trips. The applicant's study also estimated the average daily trip (ADT) generation at 943.

These trip generations were estimated using nationally accepted data published by the *Institute of Transportation Engineers Seventh Addition*. The proposed site is located at 8724 NE Highway 99.

The applicant has submitted a traffic study under the provisions of Clark County Code section 40.350.020 (D)(1).

Site Access

Finding 2:

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Level of service (LOS) standards is not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site.

The applicant's traffic study indicates that there are currently two access locations along the development site frontage. Both access locations currently operate with full access movements onto NE 88th Circle, to the north, and NE Highway 99, to the east. The applicant is proposing to maintain full access onto NE 88th Circle and create a restricted access onto NE Highway 99.

NE Highway 99 / Site Access Location

The applicant's traffic study shows the construction of a raised median along the frontage of the proposed development on NE Highway 99. This raised median would restrict the proposed shared east access to right-in/right-out turning movements only. The traffic study shows that the proposed unsignalized right-in/right-out intersection at NE Highway 99/project site access will maintain an estimated LOS B into the 2014 build-out horizon. The study also shows that this LOS was evaluated in the p.m. peak hour. Staff concurs with the applicant's LOS findings.

As described in the applicant's traffic study, NE Highway 99 is classified as a principle arterial (Pr-4cb). As such, CCC 40.350.030(B)(4)(d)(1) states that a driveway onto an arterial will not be permitted unless no other access is available. The applicant has submitted a road modification requesting relief from this code requirement. The road modification request is addressed under the Transportation heading.

If the submitted road modification is approved allowing access to remain onto NE Highway 99, the applicant will need to submit plans showing the design of the proposed project site access, raised median and all related features including striping and civil improvements. After approval of the plans, the applicant will need to construct the proposed raised median and related features, including all civil improvements, in accordance with the approved plans. (See Transportation Concurrency Condition A-3a, A-3b and F-2)

NE 88th Circle/ Site Access Location

The traffic study shows that the existing NE 88th Circle/site access intersection will maintain an estimated LOS B into the 2014 build-out horizon. The study also shows that this LOS was evaluated in the p.m. peak hour. Staff concurs with the applicant's LOS findings.

Historical Accident Situation

The applicant's traffic study has analyzed the accident history for NE Highway 99/Site Access and NE 88th Circle/Site Access intersections. The accident history was obtained from Clark County for a 5-year period, 2004 – 2008.

The applicant's analysis concluded that the study intersections did not exceed thresholds that would warrant additional analysis. County Staff agrees with the applicant's findings.

Therefore, no further accident history analysis or mitigation is necessary.

Turn Lane Warrants

Finding 3:

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The applicant's traffic study analyzed the need for turn lanes at the site accesses on NE 88th Circle and NE Highway 99. The applicant's study concluded that turn lanes are not warranted due to low turning volumes and good levels of service at the site access intersections. The County concurs with the applicant's findings.

Concurrency Compliance

Finding 4:

The proposed development is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance within 2 miles of the proposed development. Typically, the County's transportation model is used to determine

urban area developments that are currently being reviewed, approved, or are under construction and in the vicinity of the proposed development. The traffic these developments generate is referred to as *"in-process traffic"* and will ultimately contribute to the same roadway facilities as the proposed development. This *"in-process traffic"* is used to evaluate and anticipate area growth and its impact on intersection and roadway operating levels with and without the proposed development, helping to determine if roadway mitigation necessary to reduce transportation impacts.

The *"in-process traffic"* information that can be obtained from the County's transportation model is from developments that generate 10 vehicle trips or more in the PM peak hour travel time. Developments, in an urban area, that have fewer than 10 vehicle trips in the PM peak hour travel time do not explicitly get shown in the County's model, but, are accounted for in a *"background growth rate"* (1% per year). This *"background growth rate"* is a conservative rate to capture the collective effect from all of the smaller developments in the immediate area and out of area traffic also.

Signalized Intersections

The County's model evaluated the operating levels, travel speeds and delay times for the regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds of delay in the build-out year. Therefore, County Staff has determined that this development will comply with adopted Concurrency standards for signalized intersections.

Unsignalized Intersections

County Staff has performed an evaluation of the operating levels and delay standards represented in the County's model. The County's model consists of the study intersections of regional significance in the development area yielding operating levels and delay standards, during both the am and pm peak hours with a LOS better than the minimum allowable LOS E for unsignalized intersections.

The County has determined that this development will comply with adopted Concurrency Standards for unsignalized intersections.

Concurrency Corridors

Evaluation of the concurrency corridor operating levels and travel speeds represented in the County's model of the study corridors of regional significance under County Jurisdiction yielded operating levels and travel speeds with an acceptable level of service.

Summary

The County has determined that this development will comply with adopted Concurrency Standards for corridors, signalized and unsignalized intersections under County jurisdiction.

The County incurs costs to analyze the proposed development's impacts; therefore, the applicant shall reimburse the County for costs incurred in running the concurrency model. (See Transportation Concurrency Condition A-3c)

Sight Distance

Finding 5:

Sight distance issues are addressed by Community Development; therefore, this issue will not be addressed here.

Conclusion (Transportation Concurrency):

Based upon the development site characteristics, the submitted traffic study dated March 6, 2009 prepared by Charbonneau Engineering LLC, the requirements of the County's transportation concurrency ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan meets the requirements of the county transportation concurrency ordinance CCC 40.350.020.

STORMWATER:

Applicability

Finding 1

The Stormwater and Erosion Control Ordinance (CCC 40.380) applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities.

The Stormwater and Erosion Control Ordinance (CCC 40.380) also applies to development activities that result in the addition or replacement of more than 1,000 square feet of impervious surface for any of the development activities or redevelopment listed in Sections 40.380.040(B)(7)(a) and 40.380.040(B)(7)(b), building areas excluded; if redevelopment results in 5,000 square feet or more of replaced impervious surface, in which case the provisions of Section 40.380.040(B)(3) apply; and all land disturbing activities.

This development shall comply with the Stormwater and Erosion Control Ordinance (CCC 40.380). The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is also subject to the erosion control ordinance.

Stormwater Proposal

Finding 2

The applicant submitted a preliminary stormwater proposal dated April 29, 2009. The existing system consists of a biofiltration swale and infiltration system. According to the applicant, stormwater runoff from newly created impervious surfaces will be collected by a stormwater system constructed with the development. The swale will be removed and replaced with a StormFilter (Contech Stormwater Solutions). The undisturbed impervious surfaces will continue to discharge to the existing infiltration system after treatment. The proposed water quality treatment for the new and replaced impervious

surfaces will be met through the use of a StormFilter after detention. An oil and water separator is required and has been proposed. A geotechnical engineer measured groundwater depths of 14.5 feet and 16 feet.

The treated and detained stormwater ultimately discharges to the Washington State Department of Transportation right-of-way associated with I-5. Calculations were provided per the newly adopted code and Western Washington Stormwater Manual in order to satisfy WSDOT. However, according to the applicant, WSDOT has decided to now allow the use of the Clark County code that the project was originally permitted under. The applicant communicated to staff that the revised calculations will be submitted to staff during final engineering review in order to comply with CCC 40.380. **(See Condition A-5a)**

Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. **(See Condition A-5b)**

According to CCC 40.380.050 (B)(8), properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site. Stormwater exiting a parcel shall be discharged with adequate energy dissipaters within the development site to prevent downstream damage according to CCC 40.380.040 (C)(1)(d). An offsite analysis extending a minimum of one-fourth of a mile downstream from the development site in compliance with the provisions of Section CCC 40.380.040(B)(2) is required. **(See Condition A-5c)**

The proposed private stormwater facilities shall be located inside private stormwater easements. Per CCC 40.380.040 (H)(3)(b), an easement or a covenant acceptable to the responsible official shall be provided to the county for purposes of inspection of privately maintained facilities. **(See Condition A-5d)**

Conclusion (Stormwater):

Staff concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 1: Fire Marshal:

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323, or e-mail at tom.scott@clark.wa.gov. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 2: Building Construction:

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition B-1b)

Finding 3: Fire Flow:

Fire flow in the amount of 1,000 gallons per minute supplied for 2 hours duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site. (See Condition B-1c)

Finding 4: Fire Hydrant:

Fire hydrants are required for this application. The existing fire hydrants are adequate. Therefore, no additional condition is required.

Finding 5: Fire Apparatus Access:

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. Therefore, no additional condition is required.

Finding 6: Fire Apparatus Turnaround:

Fire apparatus turnarounds are not required for this application. Therefore, no additional condition is required.

Conclusion (Fire Protection):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

WATER & SEWER SERVICE:

Finding 1

Clark Public Utilities (CPU) and Clark Regional Wastewater District provides potable water and sewer services in the area, respectively. Both the utility review for water and sewer services from the service providers, and the Fire Marshal's review indicate that adequate services exist at the site to support the proposed development. Therefore, no additional condition of approval is necessary.

Finding 2

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or Prior to Occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures

on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See Condition A-8)

Conclusion (Water & Sewer Service):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Traffic Impact Fees

Finding 1

The property is located in the Hazel Dell traffic impact fees district. While a commercial development is exempt from park and school impact fees exaction, it is not exempt from traffic impact fees exaction. Therefore this development will be assessed Hazel Dell traffic impact fees in accordance with CCC 40.610 & 40.620 (Impact Fees).

"In accordance with CCC 40.610 & 40.620, Traffic Impact Fees for the proposed Popeyes fast food restaurant is \$124,278.09 (Hazel Dell TIF District). The impact fees for this site plan shall be fixed for a period of three years, beginning from the date of preliminary site plan approval, _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule." See condition of approval E-1

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance (The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);**
- **MDNS = Mitigated Determination of Non-Significance (The impacts can be addressed through conditions of approval); or,**
- **DNS = Determination of Non-Significance (The impacts can be addressed by applying the County Code).**

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on June 15, 2009, is hereby final.

SEPA APPEAL PROCESS:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person:

Michael Uduk, (360) 397-2375, ext. 4385
Travis Goddard, (360) 397-2375, ext. 4180

Responsible Official:

Michael V. Butts, Development Services Manager

DECISION

Based upon the proposed site and landscaping plans (identified as Exhibits 1a and 1b), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A Final Construction/Site Plan Review **Review & Approval Authority: Development Engineering**

Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

A-1 Final Site Plan:

The applicant shall submit and obtain County approval of a final site plan in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall file the necessary boundary line adjustment (BLA) documentation with the Clark County Assessor's Office to record the BLA with the Auditor's Office prior to final site plan approval. (See Land Use Finding 1)
- b. The proposed development shall comply with the applicable development standards on the CG zoning district. (See Land Use Finding 3)
- c. The applicant shall provide a reciprocal parking agreement to be approved by the prosecuting attorney's office for the benefit of the customers. (See Land Use Finding 8c)
- d. The applicant shall indicate one (1) parking space at each restaurant to be van accessible parking; and, if one handicapped parking is provided at a restaurant, then that handicapped parking shall be van accessible consistent with the applicable sections of the International Building Code adopted by Clark County. (See Land Use Finding 8d)
- e. Archaeology - *A note shall be placed on the face of the final site plan and construction plans as follows:*

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

A-2 Final Transportation Plan/On-Site:

The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall provide diagrams of on-site turning movements.

- b. The applicant shall dedicate right-of-way on NE 88th Circle such that the 35-foot right-of-way dedication requirement is satisfied.
- c. The proposal shall meet the sight distance requirements of CCC 40.350.030(B)(8).

A-3 Final Transportation Plan/Off Site (Concurrency):

The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall submit a signing and striping design for review and approval. This signing and striping design shall be submitted to the Public Works Transportation Program. This design shall show signing, striping, and all related features for any required frontage improvements. The design shall also show the proposed raised median placement and its associated signing and striping. The applicant shall obtain a Work Order with Clark County to reimburse the County for any signing and striping changes needed along the frontage of this development.
- b. If the applicant's submitted road modification request, allowing the access on NE Highway 99 to remain, the applicant shall submit construction drawings for the construction of a right in/right out access location on NE Highway 99 for review and approval. These drawings shall include a raised median along the site frontage to a point south of the existing access location. This median shall be designed to discourage left turns into the site from northbound traffic from NE Highway 99. These drawings shall also include all related features for the restricted access construction. These related features include, but are not limited to civil improvements such as curbs, gutter, sidewalks, and ADA ramps.
- c. The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$2,000.

A-4 Transportation:

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-5 Final Stormwater Plan:

The applicant shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance to CCC 40.380 and the following conditions of approval:

- a. The applicant shall design the proposed stormwater facilities so that CCC 40.380 is satisfied and submit associated calculations during final engineering review.
- b. Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots.
- c. According to CCC 40.380.050 (B)(8), properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site. Stormwater exiting a parcel shall be discharged with adequate energy dissipaters within the development site to prevent downstream damage according to CCC 40.380.040 (C)(1)(d). An offsite analysis extending a minimum of one-fourth of a mile downstream from the development site in compliance with the provisions of Section CCC 40.380.040(B)(2) is required.
- d. The proposed private stormwater facilities shall be located inside private stormwater easements. Per CCC 40.380.040 (H)(3)(b), an easement or a covenant acceptable to the responsible official shall be provided to the county for purposes of inspection of privately maintained facilities.

A-6 Erosion Control Plan:

- a. The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

A-7 Final Landscape Plan:

The applicant shall submit and obtain county approval of final landscape plan consistent with the approved preliminary landscape plan and conditions listed below (ref: CCC 40.320). The landscape plan shall include landscaping within the public Rights-of-Way and on-site.

A-8 Health Department Review:

Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department.

A-9 Fire Marshal Requirements:

None

A-10 Other Documents Required:

The following documents shall be submitted with the Final Construction/Site Plan:

- a. Stormwater Maintenance Covenant: - A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. An access easement to the private facilities for the purpose of inspection shall be granted to the county. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

A-12 Excavation and Grading:

Excavation / grading shall be performed in compliance with CCC Chapter 14.07.

B	Prior to Construction of Development
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	Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

B-1 Pre-Construction Conference:

- a. Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- b. Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Fire Marshal Finding 2)
- a. Prior to construction, fire flow in the amount of 1,000 gallons per minute supplied for 2 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is available at the

site. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (See Fire Marshal Finding 3)

B-2 Erosion Control:

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-3 Erosion Control:

Erosion control facilities shall not be removed without County approval.

C	Provisional Acceptance of Development
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	Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

C-1 Verification of the Installation of Required Right-of-way Landscape

Prior to the issuance of an approval of occupancy for a site plan, the applicant shall provide verification in accordance with Section 40.320.030(B) that the required right-of-way landscape has been installed in accordance with the approved landscape plan(s). (Maintain the existing ROW landscaping after the construction process).

D	Final Plat Review & Recording
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	Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

D-1 Not Applicable

E	Building Permits
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	Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

E-1 Impact Fees:

Prior to issuance of a building permit, the applicant shall pay Traffic Impact fees to the Clark County Building Department in the amount of \$124,278.09 for the Hazel Dell traffic impact district.

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate. (See Traffic Impact Fee Finding 1)

F	Occupancy Permits Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 Land Use - Landscaping:

- a. The applicant shall provide landscaping of a suitable species (per CCC 40.320.010 (E) (4)) along the length of the building. (See Land Use Finding 6)
- b. The applicant shall replace and maintain to ensure its survival any landscaping vegetation (ground cover, grass, shrubs and trees) removed or otherwise adversely impacted during construction of Popeyes fast food restaurant. (See Land Use Finding 7)

F-2 Transportation (Concurrency):

- a. If the applicant's submitted road modification request, allowing the access on NE Highway 99 to remain, the applicant shall construct a right in/right out shared access on NE Highway 99 including a raised median along the site frontage to a point south of the existing access location. The raised median shall be constructed to discourage left turns into the site from northbound traffic on NE Highway 99. This right in/right out access location shall include and maintain all required frontage appurtenances (i.e. all existing and proposed bike lanes, striping, pedestrian facilities, etc.). The improvements shall be completed prior to occupancy, unless modified by the Director of Public Works.

F-2 Land Use and Critical Areas:

- a. Landscaping: Prior to the issuance of an approval of occupancy for final site plan, the applicant shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

G	Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant
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G-1 Site Plans and Other Land Use Approvals - Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.

G-2 Department of Ecology Permit for Construction Stormwater - A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND,**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

G-3 Building and Fire Safety

Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

G-4 Building Elevation Approvals – Approval of building elevations submitted for preliminary plan review does not ensure compliance with other requirements (e.g., building setbacks) under other construction codes. Compliance with other construction codes is the responsibility of the applicant at the time of building permit issuance.

H	Post Development Requirements Review & Approval Authority: As specified below
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H-1 Outdoor Lighting – Exterior lighting shall be located, shielded, and directed to prevent significant off site glare, in accordance with CCC 40.340.010(A)(7) and RCW 47.36.180. (Standard Condition)

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties

of record. This decision was mailed on August 18, 2008. Therefore any appeal must be received in this office by September 1, 2009.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240** (Planning = \$4,826 + Engineering = \$414).

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public hearing to consider the appeal.

Attachments:

- Copy of Proposed Preliminary Plan
- Copy of the Landscape Plan
- Copy of the Road Modification

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

For Staff Only:

Final Plans Required with Construction Plans	YES	NO
Final Site Plan	x	
Final Landscape Plan:	x	
-On-site landscape plan	x	
-Right-of-way landscape plan*	x	
Final Wetland Plan		x
Final Habitat Plan		x

*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

Note: If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.

**ENGINEERING PLANNING
FORESTRY**

12011 NE 99th Street, Suite 1530
Vancouver, WA 98682
Phone: (360) 882-0419
Fax: (360) 882-0426



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July 29, 2009

AKS Job#: 2240 / 21443

Clark County
Department of Engineering Services
Attn: David Bottamini
1300 Franklin Street
Vancouver, WA 98660

Narrative: Addendum 1 - Modification to Road Standards for Site Plan PSR2009-00022

This letter serves as a narrative in support of a proposed modification to the standards of *Section 40.350.030 (B)(3)*, for NE 88th Circle and NE Hwy 99 street sections of the proposed Highway 99 Popeyes Site Plan (PSR2009-00022). The applicant requests design modifications to the Road Standards allowed by *Section 40.550.010 (A)(b)* concurrent with the Type II Site Plan application.

Existing Condition:

The existing streets fronting the Highway 99 Popeyes site (NE 88th Circle and NE Hwy 99) are fully improved streets with pavement, curb, gutter and attached sidewalks. NE 88th Circle fronting the site consists of 50 feet of full width right-of-way with 36 feet of pavement, curb, gutter, and attached 5-foot sidewalks. NE Hwy 99 fronting the site consists of 100 feet of full width right-of-way with 84 feet of pavement, curb, gutter, bike lanes, and an attached 5-foot sidewalk. Both of these streets intersect at the northeast corner of the site at a major signalized intersection. NE Hwy 99 is classified as an Urban Principal Arterial (Pr-4cb) and NE 88th Circle is classified as an Urban Collector (C-2cb). NE 88th Circle is currently a dead end street with no bike route shown on the arterial atlas at any point on its entirety within Clark County.

Proposal:

This site is located on the corner of a major signalized intersection. The street width along NE Hwy 99 is wider than required due to the addition of a northbound right turn lane at this intersection. The proposal for NE Hwy 99 is to keep the existing, relatively new improvements along the street frontage, which would include a 5-foot attached sidewalk. The NE 88th Circle street section fronting the site is fully improved and does not contain bike lanes, detached sidewalk, and the right-of-way width is substandard. The proposal for NE 88th Circle includes dedicating 5 feet of additional right-of-way and maintaining the current street improvements, which includes no bike lanes since there is no bikeway shown on the Clark County Trails and Bikeway System Map.

Road Standards Requirement:

40.350.030 Street and Road Standards

B. Standards for Development Review.

3. *Transportation Design Criteria.* The design criteria set out in Table 40.350.030-2 through 40.350.030-6 are adopted as a portion of the Clark County standard specifications. Such criteria are applicable to roads located within and adjacent to a development. These criteria are intended for normal conditions. The responsible official may require higher standards for unusual site conditions.

<See Urban Collector (C-2) Drawing 12 and Principal Arterial (Pr-4cb) Drawing 4 attached>

40.550.010 Road Modifications

A. Criteria.

1. *Modification to the standards contained within Chapter 40.350 may be granted in accordance With the procedures set out herein when any one (1) of the following conditions are met:*
 - a. *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.*
 - b. *A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship.*
 - c. *An alternative design is proposed which will provide a plan equal to or superior to these standards.*
 - d. *Applicant of the standards of Chapter 40.350 to the development would be grossly disproportional to the impacts created.*

Response:

- a. NE 88th Street and NE Hwy 99 are classified as Urban Collector (C-cb2) and Principal Arterial (Pr-4cb), respectively. Both streets are currently constructed with attached 5-foot sidewalks. Both street details (Drawings 4 and 11) suggest that an attached sidewalk is allowed if a road modification is approved. Construction of a detached sidewalk would result in the applicant having to remove a relatively new, fully capable and equivalent sidewalk, which would be grossly disproportional to the impacts created. The alternate 5-foot attached sidewalk should be considered equal to the standard. In addition, a ruling in favor of an attached 5-foot sidewalk would be consistent with the site plan application to the south (PSR2008-00050) where a 5-foot attached sidewalk is being allowed to remain. Attached 5-foot sidewalk exists at both property lines, so allowing the consistent sidewalk to remain would also create a smooth transition for pedestrians moving past the site along both street frontages.
- b. NE 88th Street is classified as an Urban Collector (C-2cb) and requires 46 feet of pavement with two bike lanes, two 12-foot travel lanes, and one 12-foot turn lane. The

existing section was recently constructed with 36 feet of pavement containing two 12-foot travel lanes and one 12-foot turn lane. In addition, the C-2cb Collector detail (Drawing 11) attached suggests in Note 4 that the section is used when a bikeway is shown on the Clark County Trails & Bikeways System Map. There is no bikeway shown on the Clark County Trails & Bikeways System Map for this street. In addition, CCC Section 40.350.010(C)(1) suggests that bicycle circulation is not required if bike lanes are not indicated on the arterial atlas. The applicant is requesting a modification to the standard to eliminate the bike lane and maintain the existing 18 feet of half width pavement. The applicant requests to only dedicate 5 feet of additional right-of-way to increase the half-width right-of-way to 30 feet instead of the required 35 feet. The modification should be approved as it will provide an equal standard, given there is no bikeway shown on this street.

SUMMARY:

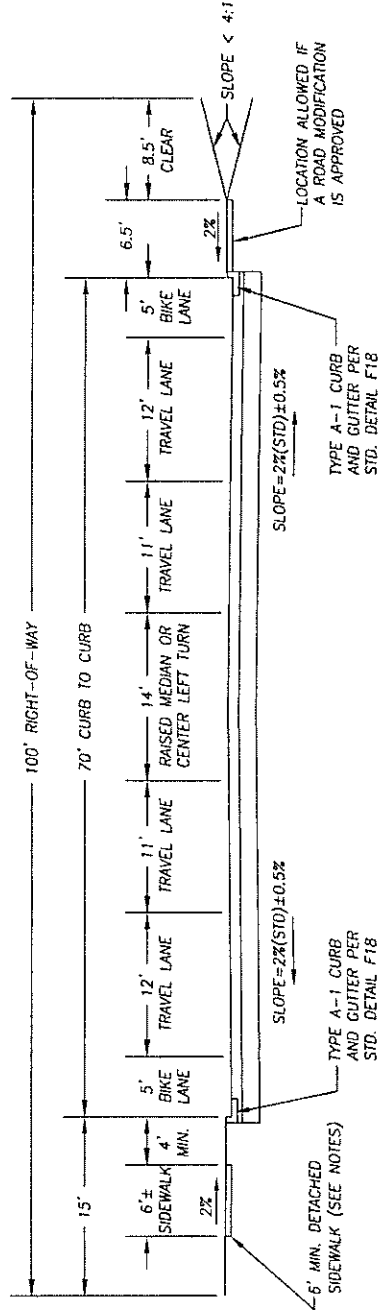
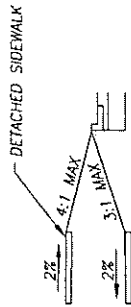
The proposed modifications to the street standards can be approved because:

- The proposed modification to *Standard 40.350.030 (B)(3)* to allow a 5-foot attached sidewalk should be approved to maintain consistency throughout the region. The ruling would also be consistent with the site plan application directly to the south. The removal of the attached 5-foot sidewalk and replacement with a 6-foot sidewalk would be grossly disproportionate to the impact gained.
- The proposed alternate attached sidewalk design is equal to the standard.
- The bike lane along NE 88th Circle should not be required as NE 88th Street is not shown to have a bikeway at any point along its entirety. The applicant should not have to provide for bicycle circulation along this very short section that has recently been improved without bike lanes on either side.
- The 35-foot half-width right-of-way requirement should be reduced to 30 feet with the elimination of a 5-foot bike lane.

Attachments:

Clark County Drawings 4 and 11 (Urban Collector and Principal Arterial details)

Clark County Bike Routes Map



NOTES:

1. SIDEWALK SHALL BE DETACHED. MAKE IT MEANDERING IF POSSIBLE.
2. SIDEWALKS MAY BE ALLOWED WITHIN EASEMENTS ONLY WHERE IT IS DEMONSTRATED THAT SUCH SIDEWALKS CAN NOT BE LOCATED WITHIN THE ESTABLISHED PUBLIC RIGHT-OF-WAY OR PRIVATE ROADWAY TRACT DUE TO NATURAL FEATURES (E.G., SIGNIFICANT TREES, ROCK OUTCROPPINGS, STEEP TOPOGRAPHY, ETC.) THAT SHOULD BE PRESERVED, OR IRREGULAR LOT CONFIGURATION.
3. WIDER SIDEWALKS MAY BE REQUIRED BY REVIEWING AUTHORITY UNDER CERTAIN CIRCUMSTANCES.
4. THIS SECTION USED WHEN A BIKEWAY IS SHOWN ON THE CLARK COUNTY TRAILS & BIKEWAYS SYSTEM MAP.
5. UPGRADE REINFORCEMENT GEOTEXTILES SHALL BE INSTALLED OVER ALL A-6, A-7 SOILS PRIOR TO CONSTRUCTING THE BASE AND SURFACING.
6. THE PAVEMENT STRUCTURE THICKNESSES IDENTIFIED FOR THESE SOIL TYPES ARE REQUIRED UNLESS A SITE SPECIFIC PAVEMENT DESIGN IS DONE. THE TOTAL PAVEMENT STRUCTURE SHALL NOT EXCEED 2.5 FEET.
7. ASPHALT CONCRETE FOR ALL PRINCIPAL ARTERIALS SHALL BE WSDOT CLASS A, B, OR HMA EQUIVALENT.
8. EITHER CONVENTIONAL OR THICK ASPHALT CONSTRUCTION IS ALLOWED.
9. ROADWAY SLOPE OUTSIDE LISTED RANGE ALLOWED WITH APPROVAL FOR FRONTAGE/MATCHING SITUATIONS.
10. THE SUBGRADE AND CRUSHED SURFACING MATERIALS SHALL BE COMPACTED PER WSDOT STANDARDS.

CONVENTIONAL CONSTRUCTION			THICK ASPHALT CONSTRUCTION		
ASHTO SOIL TYPE	ASPHALT THICKNESS	BASE ROCK THICKNESS	ASHTO SOIL TYPE	ASPHALT THICKNESS	BASE ROCK THICKNESS
A-1	0.55'	0.40'	A-1	0.60'	0.25'
A-2	0.55'	0.55'	A-2	0.65'	0.25'
A-3	0.55'	0.80'	A-3	0.72'	0.25'
A-4	0.60'	1.00'	A-4	0.82'	0.25'
A-5	0.60'	1.35'	A-5	0.92'	0.25'
A-6	0.60'	1.80'	A-6	1.05'	0.25'
A-7	0.90'	1.45'	A-7	1.25'	0.25'
OTHER	NO SECTION	ESTIMATED	OTHER	NO SECTION	ESTIMATED



Department of
Public Works
CLARK COUNTY
WASHINGTON
proud past, promising future

URBAN PRINCIPAL ARTERIAL (Pr-4cb)
4-LANE W/ CENTER TURN & BIKE LANES

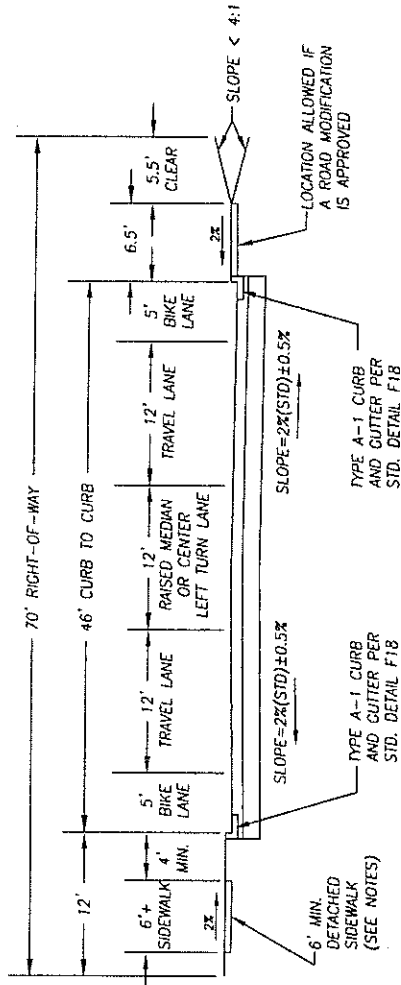
Peter Capen
COUNTY ENGINEER

APPROVED

5/23/08
DATE

DRAWING
4

DESIGNED
DRAWN
DATE 05/23/08



NOTES:

1. SIDEWALK SHALL BE DETACHED. MAKE IT MEANDERING IF POSSIBLE.
2. SIDEWALKS MAY BE ALLOWED WITHIN EASEMENTS ONLY WHERE IT IS DEMONSTRATED THAT SUCH SIDEWALKS CAN NOT BE LOCATED WITHIN THE ESTABLISHED PUBLIC RIGHT-OF-WAY OR PRIVATE ROADWAY TRACT DUE TO NATURAL FEATURES (E.G., SIGNIFICANT TREES, ROCK OUTCROPPINGS, STEEP TOPOGRAPHY, ETC.) THAT SHOULD BE PRESERVED, OR IRREGULAR LOT CONFIGURATION.
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9. ROADWAY SLOPE OUTSIDE LISTED RANGE ALLOWED WITH APPROVAL FOR FRONTAGE/MATCHING SITUATIONS.
10. THE SUBGRADE AND CRUSHED SURFACING MATERIALS SHALL BE COMPACTED PER WSDOT STANDARDS.

CONVENTIONAL CONSTRUCTION			THICK ASPHALT CONSTRUCTION		
ASHTO SOIL TYPE	ASPHALT THICKNESS	BASE ROCK THICKNESS	ASHTO SOIL TYPE	ASPHALT THICKNESS	BASE ROCK THICKNESS
A-1	0.45'	0.45'	A-1	0.52'	0.25'
A-2	0.45'	0.45'	A-2	0.52'	0.25'
A-3	0.45'	0.55'	A-3	0.55'	0.25'
A-4	0.45'	0.85'	A-4	0.62'	0.25'
A-5	0.45'	1.15'	A-5	0.72'	0.25'
A-6	0.45'	1.55'	A-6	0.82'	0.25'
A-7	0.50'	2.00'	A-7	1.00'	0.25'
OTHER	NO SECTION	ESTIMATED	OTHER	NO SECTION	ESTIMATED



Department of
 Public Works
CLARK COUNTY
 WASHINGTON
 proud past, promising future

URBAN COLLECTOR (C-2cb)
 2-LANE W/ CENTER LEFT TURN & BIKE LANES

APPROVED

Patel Capan
 COUNTY ENGINEER

DRAWING
 11

5/23/08
 DATE

DESIGNED
 DRAWN
 DATE 05/23/08



proud past, promising future

CLARK COUNTY
WASHINGTON

DEPARTMENT OF
PUBLIC WORKS
DEVELOPMENT ENGINEERING

ROAD MODIFICATION REPORT & RECOMMENDATION

Project Name	Highway 99 Popeye's Restaurant
Case Number	EVR 2009-00020; (PSR2009-00022)
Staff Engineer	David Bottamini, PE
Report Issue Date	August 4, 2009

SUBJECT PROPERTY:

Parcel No.	Address	Zoning	Parcel Size (acre)
156278-000	NE 99 th St.	R1-6	1.5

Project Description	Proposed Restaurant.
Road Modification Requests	Relief from CCC 40.350.030 (B)(4)(b)(2): "Nonresidential driveways are prohibited from taking access from an urban access road as defined in Table 40.350.030-4 unless no access exists or can be provided to a collector". Relief from the requirement for a detached sidewalk along the frontage of NE Highway 99, an "Urban Principal Arterial", Pr-4cb. The second addendum asks for relief from frontage requirements on NE 88 th Circle, an "Urban Collector", C-2cb, where the half-width is deficient by about 5 to 7 feet, an attached sidewalk exists, and the right-of-way is deficient by about 11 feet.
Code Sections	CCC 40.350.030 (B)(4)(b)(2) Standard Drawing #4 Standard Drawing #11

Approval Criteria

If the development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 40.550. The request shall meet one (or more) of the following four specific criteria:

- Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*
- A minor change to a specification or standard is required to address a specific design*

EXHIBIT #

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<p>or construction problem, which, if not enacted, will result in an unusual hardship.</p> <p>c. An alternative design is proposed which will provide a plan equal to or superior to these standards.</p> <p>d. Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.</p>	
<u>Applicant's Discussion</u>	<p>The applicant submitted a road modification for the allowance of access to NE Highway 99, an "Urban Principal Arterial", Pr-4cb. Code does not allow access to an arterial when access can be provided to a collector. The applicant analyzed the traffic movements and considered the fact that the access to NE Highway 99 will be limited to right-in and right-out movements. The applicant believes the request can be justified per criterion CCC 40.550.010(A)(1)(c).</p> <p>The applicant submitted addendums to the road modification application dated July 29, 2009 and August 4, 2009. The first addendum asks for relief from the requirement for a detached sidewalk along the frontage of NE Highway 99 per criterion CCC 40.550.010(A)(1)(d). The second addendum asks for relief from frontage requirements on NE 88th Circle per CCC 40.550.010(A)(1)(d) as well. The addendum indicates the cost to build the improvements on NE 88th Circle would be \$78,395.75.</p>
<u>Staff's Evaluation</u>	<p>Transportation staff requires a median in NE Highway 99 resulting in a right-in and right-out driveway access. The applicant has proposed a median in the middle of Highway 99 from the intersection with NE 88th Circle past the location of the driveway approach. This results in a right-in and right-out driveway approach. The driveway is an existing one and, with the new median, staff believes the proposal meets criterion CCC 40.550.010(A)(1)(c).</p> <p>Staff supports the applicants proposal to not be required to reconstruct the frontages of NE Highway 99 and NE 88th Circle per CCC 40.550.010(A)(1)(d). However, the applicant shall be responsible for dedicating 35 feet of half-width right-of-way along the frontage of NE 88th Circle.</p>
<u>Recommendation</u>	<p>Staff's recommendation is <u>Approval</u> of the road modification requests subject to a condition.</p>
<u>Condition</u>	<p>The applicant shall dedicate right-of-way on NE 88th Circle such that the 35-foot right-of-way dedication requirement is satisfied.</p>



Approved



Approved As Noted



Denied

Sue Stepan

8-7-2009

Sue Stepan, P.E., Development Engineering Program Manager

DATE

